

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**BUDGET PREPAY, INC. et al.,
Plaintiffs**

v.

**AT&T INC. F/K/A SBC
COMMUNICATIONS, INC. et al.,
Defendants.**

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No. 3:09-CV-1494-P

ORDER FOR ISSUANCE OF TEMPORARY RESTRAINING ORDER

Now before the Court is Plaintiffs'¹ Application and Motion for a Temporary Restraining Order filed on August 12, 2009. On August 24, 2009, Defendants² filed a Response in Opposition to the Issuance of a Temporary Restraining Order. Plaintiffs filed a Reply on August 28, 2009. On September 4, 2009, the Court heard oral arguments on Plaintiffs' Motion for a Temporary Restraining Order. For the reasons stated on the record in open Court on September 4, 2009, the Court GRANTS Plaintiff's Motion for a Temporary Restraining Order.

After examining the evidence, the papers on file and the arguments of counsel submitted by both sides in this case, the Court ORDERS Defendants to desist and restrain from:

¹Budget PrePay, Inc., Global Connection Inc. of America, Mextel Corporation LLC d/b/a Lifestar, Nexus Communications, Inc., and Terracom, Inc. (collectively, "Plaintiffs")

²AT&T, Inc., f/k/a SBC Communications, Inc. and its subsidiaries, including AT&T Operations, Inc., f/k/a SBC Operations, Inc., Illinois Bell Telephone Company d/b/a AT&T Illinois, a corporation that is wholly owned by its corporate parent, AT&T Teleholdings, Inc., which is in turn wholly owned by AT&T Inc.; Indiana Bell Telephone Company d/b/a AT&T Indiana, a corporation that is wholly owned by its corporate parent, AT&T Teleholdings, Inc., which is in turn wholly owned by AT&T Inc.; Michigan Bell Telephone Company d/b/a AT&T Michigan, a corporation that is wholly owned by its corporate parent, AT&T Teleholdings, Inc., which is in turn wholly owned by AT&T Inc.; Wisconsin Bell Telephone Company d/b/a AT&T Wisconsin, a corporation that is wholly owned by its corporate parent, AT&T Teleholdings, Inc., which is in turn wholly owned by AT&T Inc.; Southwestern Bell Telephone L.P. d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; and AT&T Southeast Inc. f/k/a BellSouth Telecommunications, Inc. d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, A&T South Carolina, and AT&T Tennessee (collectively, "AT&T" or "Defendants").

1. Discriminating against Plaintiffs as resellers by proceeding to use the methodology announced in the July 1, 2009, Accessible Letter (Number CLECALL09-048)³ to calculate credits available to Competitive Local Exchange Carriers (CLECs) under the Win-back Cash Back promotion.

2. Implementing or further implementing any plans to impose restrictions on the resale of the cash back or other promotional offers lasting longer than 90 days to Plaintiffs where such plans calculate the credits available to CLECs using the methodology announced in the July 1, 2009, Accessible Letter (Number CLECALL09-048).


3. Pursuing collection activities against Plaintiffs in connection with amounts related to the dispute over the calculation of credits using the methodology announced in the July 1, 2009, Accessible Letter (Number CLECALL09-048). This includes a prohibition against Defendants from demanding payment of charges in excess of the promotional rate reduced by the wholesale discount, withholding preferential pricing discounts to Plaintiffs, requiring additional security or amounts placed in escrow, or suspending or disconnecting service to Plaintiffs, for amounts connected to this dispute.

IT IS FURTHER ORDERED that:

4. Plaintiffs post bond in the amount of \$5,000.00.

5. This order will continue in effect until 5:00 PM (Central Time) on October 23, 2009, or until it is otherwise altered by a written and signed order of the Court.

SIGNED this 13th day of October, 2009 at 11:55 a.m.



JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE

³ (Pls.' Am. Compl. Ex. 3.)